

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 23, 25-26, 28-35, and 38-42 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Rejection of claims 32 and 33 based on 35 U.S.C. 112

Claims 32 and 33 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for the phrase “a substantially sealed spatial region.” This phrase has been amended to recite “another, substantially sealed, spatial region,” as suggested by the PTO. For at least this reason, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 23, 25-26, 28-35, and 38-42 based on WO ‘230

Claims 23, 25-26, 28-35, and 38-42 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by WO 89/07230 (“WO ‘230”). For at least the following reasons, this rejection is traversed.

Claim 23 recites, among other things, first and second terminating elements; at least one tube comprising a first end region connected to the first terminating element and a second end region connected to the second terminating element; a first tube part connected to the first terminating element; a second tube part connected to the second terminating element, wherein one of the first and second tube parts comprises two continuous ring-shaped elements protruding radially towards the other of the first and second tube parts; and at least one sealing element disposed between the two ring-shaped elements in a spatial region between the first and second tube parts. Each ring-shaped element has two lateral surfaces protruding radially towards the other of the first and second tube parts and a circumferential surface connecting the two lateral surfaces and opposing an inner surface of the other of the first and second tube parts. The two continuous ring-shaped elements form at least one chamber between the first tube part and the second tube part. The continuous ring-shaped elements serve as a support that acts radially for the first and second tube parts. WO ‘230 does not teach or suggest this combination of features.

For instance, WO '230 does not teach or suggest that "wherein one of the first and second tube parts comprises two continuous ring-shaped elements...wherein each ring-shaped element has two lateral surfaces protruding radially towards the other of the first and second tube parts and a circumferential surface connecting the two lateral surfaces and opposing an inner surface of the other of the first and second tube parts." WO '230 merely discloses grooves 16 and 18 formed as indented grooves into the wall of the outer tube 4 and end faces 28 and 30. Neither the end face 28 nor the end face 30 of WO '230 (which the PTO considers to be one of the ring-shaped elements of claim 23) has two lateral surfaces and a circumferential surface. Because WO '230 does not teach or suggest that one of the first and second tube parts comprises two continuous ring-shaped elements in which each ring-shaped element has two lateral surfaces protruding radially towards the other of the first and second tube parts and a circumferential surface connecting the two lateral surfaces and opposing an inner surface of the other of the first and second tube parts, claim 23 is allowable over WO '230.

In addition, neither the end face 28 nor the end face 30 of WO '230 (which the PTO considers to be one of the ring-shaped elements of claim 23) are continuous ring-shaped elements which serves as a support that acts radially for the first and second tube parts. Indeed, there is a gap between the end face 28 and the end manifold 8 with the sealing member 20 disposed therebetween and a gap between the end face 30 and the end manifold 10 with the sealing member 22 disposed therebetween. The PTO asserts "WO '230 specifically discloses that 'end faces 28 and 30 of the tube 4 bear against shoulders 32 and 34 at the ends of the rebates' of tube parts 8 and 10, respectively (see page 3 of WO '230)." However, the language of claim 23 states "wherein the continuous ring-shaped elements serve as a support that acts radially for the first and second tube parts." (Emphasis added.) The fact that the end faces 28 and 30 act axially is not relevant to the fact that they do not act radially. Because the end faces 28 and 30 do not act radially, WO '230 does not teach or suggest that the continuous ring-shaped elements serve as a support that acts radially for the first and second tube parts. Thus, claim 23 is allowable.

Claims 25-26, 28-35, and 38-42 depend from and contain all the features of claim 23, and are allowable for the same reasons as claim 23, without regard to the further patentable features contained thereon.

However, claim 26 is additionally allowable because WO '230 does not teach or suggest that the indented grooves 16 and 18 or the end faces 28 and 30 substantially seal without the use of the sealing member. The PTO asserted that Applicant's argument is not persuasive because it relates to a feature not claimed in claim 26. This is not accurate. Claim 26 recites "wherein the chamber is at least substantially sealed off by the two ring-shaped elements." This phrase implicitly means that the ring-shaped elements substantially seal by themselves, without assistance from a sealing member. WO '230 does not teach this feature, and claim 26 is allowable.

Claim 31 is additionally allowable because WO '230 does not teach or suggest that the O-rings 20 and 22 are configured to be introduced into the grooves as a pasty or gel medium.

Claim 38 is additionally allowable because WO '230 does not teach or suggest that the indented grooves 16 and 18 or the end faces 28 and 30 serve as axial bearings.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/29/2010

By



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